

Applicant or Patentee: David J. Kyle

Serial or Patent No.:

For: ARACHIDONIC ACID AND METHODS FOR THE PRODUCTION AND USE THEREOF

Attorney #: 311.48293

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§1.9(f) AND 1.27(c)) — SMALL BUSINESS CONCERN**

I hereby declare that I am:

the owner of the small business concern identified below;
 an official of the small business concern empowered to act on behalf of the concern identified below;

NAME OF CONCERN: Martek Biosciences Corporation

ADDRESS OF CONCERN: 6480 Dobbin Road
Columbia, Maryland 21045

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§121.3-18, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees under §§41(a) and (b) of Title 35, United States Code, in that the number of employees of the business concern (including those of its affiliates) does not exceed 500 persons. For purposes of this Statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the business concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year; and (2) business concerns are affiliates of each other when either directly or indirectly one business concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: ARACHIDONIC ACID AND METHODS FOR THE PRODUCTION AND USE THEREOF
by inventor(s) David J. Kyle

described in the specification filed herewith.

application serial no. _____ filed _____
 patent no. _____ filed _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR §1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e). *NOTE: Separate verified statements are required from each named person, business concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

FULL NAME _____	<input type="checkbox"/> Individual
ADDRESS _____	<input type="checkbox"/> Small Business Concern
_____	<input type="checkbox"/> Nonprofit Organization
FULL NAME _____	<input type="checkbox"/> Individual
ADDRESS _____	<input type="checkbox"/> Small Business Concern
_____	<input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that false statements made willfully are punishable by fine, imprisonment, or both a fine and imprisonment under Section 1001 of Title 18 of the United States Code; and further that false statements made willfully may jeopardize the validity of the application, of any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David J. Kyle

TITLE OF PERSON (other than owner) Vice President

ADDRESS OF PERSON SIGNING 6480 Dobbin Road, Columbia, Maryland 21045

SIGNATURE _____

DATE Jan 2 1994

LAW OFFICES
BANNER, BIRCH, MCKIE & BECKETT
1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597
(202)508-9100

Revised May, 1992

SOLE DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled Arachidonic Acid and Methods For the Production and Use Thereof,

the specification of which

is attached hereto.
 was filed on _____ as Application Serial Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (Day, Month, Year)	Status — Patented, Pending, Abandoned
08/202,878	28 Feb. 1994	Pending
08/035,507	22 Mar. 1993	Abandoned
07/035,507	24 Jan. 1991	Abandoned

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys who are all members of the Bar of the District of Columbia, their registration numbers being listed after their names:

16 Donald W. Banner, Registration No. 17,037; Harold J. Birch, Registration No. 16,527; Edward F. McKie, Jr., Registration No. 17,335; William W. Beckett, Registration No. 18,262; Dale H. Hoscheit, Registration No. 19,090; Joseph M. Potenza, Registration No. 28,175; Alan I. Cantor, Registration No. 28,163; James A. Niegowski, Registration No. 28,331; Barry L. Grossman, Registration No. 30,844; Joseph M. Skerpon, Registration No. 29,864; Thomas L. Peterson, Registration No. 30,969; Nina L. Medlock, Registration No. 29,673; William J. Fisher, Registration No. 32,133; Thomas H. Jackson, Registration No. 29,808; Sarah A. Kagan, Registration No. 32,141 and Laurence H. Posorske, Registration No. 34,698.

• All correspondence and telephone communications should be addressed to Banner, Birch, McKie and Beckett, Eleventh Floor, 1001 G Street, N.W., Washington, D.C. 20001-4597, telephone number (202) 508-9100, which is also the address and telephone number of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature David J. Kyle Date Jan 2 1995
Full Name of Sole Inventor KYLE First Given Name David Second Given Name J.
Family Name 1801
Residence 1801 Narberth Road, Catonsville, Maryland 21228 M1
Citizenship Canada
Post Office
Address Same As Above

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of)
David J. KYLE) ATTN: APPLICATIONS BRANCH
Serial No.) Atty Docket: 0311.48293
Filed: January 3, 1995)

For: ARACHIDONIC ACID AND METHODS
FOR THE PRODUCTION AND USE THEREOF

SUBMISSION OF A PATENT APPLICATION,
VERIFIED STATEMENT, AND AN EXECUTED DECLARATION

Hon. Commissioner Of Patents
And Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in the U.S. Patent and Trademark Office is the patent application of David J. Kyle, entitled "**Arachidonic Acid and Methods for the Production and Use Thereof**," containing 37 pages of the specification, 6 pages of claims (numbered 1-50) an Abstract, and an executed Declaration for Patent Application.

This application is a Continuation-In-Part of U.S. Application Serial No. 08/202,878, filed February 28, 1994, which is a Continuation of U.S. Application Serial No. 08/065,507, filed March 22, 1993, now abandoned, which is a Continuation of U.S. Application Serial No. 07/645,454, filed January 24, 1991, now abandoned.

Also enclosed is a Verified Statement Claiming Small Entity Status along with a check in the amount of One Thousand Two Hundred Thirteen dollars (\$1,213.00) to cover the filing fee for this application.

The calculation is as follows:

Basic Fee	\$ 730.00
Total Claims = 62	
Total Claims in Excess = 42	924.00
Independent in Excess = 7	532.00
Multiple Dependent Claims Fee	240.00
Subtotal	<u>2,426.00</u>
Minus 1/2 Small Entity Status	<u>-1,213.00</u>
 TOTAL FILING FEE	\$1,213.00

In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to our deposit account no. 19-0733. A duplicate copy of this sheet is attached.

Respectfully submitted,

By: 
Laurence H. Posorske
Registration No. 34,698

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Date: January 3, 1995
LHP/sl